

# EXHIBIT H

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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ORACLE AMERICA, INC.,  
Plaintiff,  
vs. No. CV 10-03561 WHA  
GOOGLE INC.,  
Defendant.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
VIDEOTAPED DEPOSITION OF URS HÖLZLE  
Palo Alto, California  
Tuesday, November 24, 2015  
Volume I

Reported by:  
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<p>1 acquisition. The acquisition was really motivated  2 by both Larry and Sergey's insight that basically at  3 the time of the acquisition mobile phones were not  4 programmable.  5 I'm quoted somewhere in the press because  6 I remember giving that email -- that interview maybe  7 a year before that mobile phones are not  8 programmable, like the Nokia phones, because at the  9 time we had a very simple Google search app that  10 basically gave you a screen and led you to a query  11 and get back results, and we literally had 147  12 versions of this because every single phone back  13 then, mostly Nokia, had a different way of doing  14 things, and so even though everything was Java, it  15 was literally -- even the same phone had  16 different -- you know, different APIs depending on  17 the -- on the carrier that carried the phone. And  18 so we had no common platform, and it was impossible  19 to really build any applications on it.  20 And so Larry and Sergey recognized early  21 on that if someone writes a phone that actually can  22 be a platform for real software development, then  23 it's important for that platform to be open because  24 if -- if it was not, then access to search would  25 possibly be blocked by the owner of the platform,</p> <p style="text-align: right;">Page 294</p>	<p>1 Sergey's -- it was important to them to have -- not  2 to have someone else control the platform.  3 A To have an open platform and not have a  4 Microsoft -- I mean, at the time probably Microsoft  5 was on everyone's mind because they had ambitions to  6 go -- being mobile. They controlled 90 percent of  7 desktop OSes, and they were definitely not friendly  8 to us.  9 Q How was this communicated to you, this  10 desire that Mr. Brin and Mr. Page had not to let  11 somebody else control the next generation mobile  12 operating system, the programmable one?  13 A I'm sure there were discussions around the  14 area, especially after the Android acquisition, and  15 I'm sure they would have talked about it as part of  16 saying, hey, we want to go and acquire Android and  17 here's why.  18 I think it became even clearer to most  19 people at Google once the iPhone was out because it  20 kind of showed that, actually, if you have a program  21 -- a platform that's kind of more like a PC rather  22 than a very narrow kind of Nokia-Symbian-type  23 platform, then really you can do amazing programs  24 that people would really want.  25 Q The iPhone was a closed platform?</p> <p style="text-align: right;">Page 296</p>
<p>1 and we had lived through that on a desktop with  2 Microsoft, who was not favorably disposed to make it  3 to easy to use Google from the Microsoft browser.  4 And so they saw that, well, at some point  5 someone is going to do an operating system for  6 mobile phones that actually is usable that actually  7 is a platform that you can write real applications  8 for, and that platform would be open, right, because  9 if it's closed -- if it's Microsoft, again, for  10 example, then we're going to be toast. You know,  11 it's not good if the platform is controlled by  12 someone else. And that was three years or so before  13 smartphones actually happened.  14 So at the time it was, you know, pretty  15 forward-looking because it wasn't actually possible  16 to do it at the time. The hardware just wasn't fast  17 enough. But, you know, two years later the iPhone  18 came out, and a year or so after that Android came  19 out. And so that's how it happened. Java was --  20 I'm sure was not mentioned in the discussion at all  21 just because it wasn't about Java. It was about a  22 mobile operating system and a user experience that  23 allows more ambitious applications to exist.  24 BY MS. HURST:  25 Q All right. You said that it was Larry and</p> <p style="text-align: right;">Page 295</p>	<p>1 A The iPhone was a closed platform, yes.  2 Q And you --  3 A Still is.  4 Q -- Google had to pay Apple to get search  5 on that platform; right?  6 MS. ANDERSON: Objection. Form.  7 THE WITNESS: I don't know how the  8 original deal was -- was -- I wasn't part of the  9 deal on Android. So I don't actually know who --  10 whether we suggested revenue share or whether we  11 were forced to revenue share, because in other --  12 other places we have suggested revenue share.  13 BY MS. HURST:  14 Q In any event, you had to pay Apple to get  15 your search capability, search service, onto the  16 iPhone?  17 MS. ANDERSON: Objection. Form.  18 THE WITNESS: Again, I'm not knowledgeable  19 about that. We do pay them. I know that.  20 BY MS. HURST:  21 Q Pardon me. Okay. I didn't understand  22 that.  23 A Were we forced to do that or was it  24 voluntary? I don't know.  25 Q I didn't mean to make that distinction --</p> <p style="text-align: right;">Page 297</p>

<p>1 A Yes.</p> <p>2 Q -- so I'm happy to rephrase.</p> <p>3 You did pay Apple to get your search</p> <p>4 service onto the iPhone?</p> <p>5 A We do pay Apple a share of the revenue</p> <p>6 stream from search, yes.</p> <p>7 Q What percentage share do you pay them?</p> <p>8 A I don't know.</p> <p>9 Q And is that a percentage of the revenues</p> <p>10 that are derived from the searches conducted on</p> <p>11 their platform?</p> <p>12 MS. ANDERSON: Objection. Form.</p> <p>13 THE WITNESS: Generally speaking -- and we</p> <p>14 have these revenue share deals with lots of others,</p> <p>15 and, actually, that was true in the web world, too,</p> <p>16 on desktop. Generally -- generally the way the</p> <p>17 deals are structured is that there is search and</p> <p>18 there is ads on those search results that creates</p> <p>19 revenue, and then there's some combination of</p> <p>20 payment for the service.</p> <p>21 So the -- the vendor might actually --</p> <p>22 might pay us X amount per million queries or so,</p> <p>23 just executed as a service fee. And then there is a</p> <p>24 revenue share either on our ads -- like, if we are</p> <p>25 the ads provider, you might get X percent of that</p> <p style="text-align: right;">Page 298</p>	<p>1 details, but with either handset makers or -- or</p> <p>2 telecom companies, so -- meaning these revenue share</p> <p>3 deals exist even though we provide Android because</p> <p>4 deals aren't really about Android. They're about</p> <p>5 search, and it's a mix between who brings the</p> <p>6 traffic and who brings the search and who monetizes</p> <p>7 that -- that search stream.</p> <p>8 So I know for a fact that we are paying</p> <p>9 search -- we have search revenue share deals on</p> <p>10 Android phones for Google search.</p> <p>11 BY MS. HURST:</p> <p>12 Q And what is the significance of not</p> <p>13 allowing someone else to control the platform?</p> <p>14 MS. ANDERSON: Objection. Form.</p> <p>15 THE WITNESS: I'll explain it with -- with</p> <p>16 a web browser, and so if you -- suppose 90 percent</p> <p>17 of people use your web browser, your Microsoft -- 90</p> <p>18 percent of the people use Internet Explorer, and</p> <p>19 suppose that Internet Explorer has a built-in search</p> <p>20 functionality, but it only runs Microsoft search.</p> <p>21 So the convenient way to search would be to use</p> <p>22 Microsoft search. An inconvenient way to search</p> <p>23 would be to first type in Google.com, right. Go to</p> <p>24 Google. Then type in your search.</p> <p>25 So there's -- clearly would be -- some</p> <p style="text-align: right;">Page 300</p>
<p>1 paid out because it's your traffic, so to speak.</p> <p>2 It's your website or your mobile phone, or,</p> <p>3 actually, the reverse way, I believe, we've done</p> <p>4 deals, too, where the -- the search licensee put ads</p> <p>5 on it, and then we were paid as a fraction of that</p> <p>6 revenue, but it was their ads. It's more common for</p> <p>7 it to be our ads.</p> <p>8 BY MS. HURST:</p> <p>9 Q And your understanding in the case of</p> <p>10 Apple is that it's your ads; right?</p> <p>11 A It's definitely our ads, yes.</p> <p>12 Q So that would be you paying them a share</p> <p>13 of the revenue derived from your ads shown in their</p> <p>14 platform?</p> <p>15 A I believe our deal is a revenue share deal</p> <p>16 and not a fixed license fee or -- or, you know,</p> <p>17 fixed amount.</p> <p>18 Q In that -- well, if you could build a</p> <p>19 mobile phone platform that you controlled or that</p> <p>20 was open, then you would not find yourself paying</p> <p>21 those fees; right?</p> <p>22 MS. ANDERSON: Objection. Form.</p> <p>23 THE WITNESS: Factually, no, that is not</p> <p>24 correct because we do have revenue share deals on</p> <p>25 Android with -- you know, I'm not familiar with the</p> <p style="text-align: right;">Page 299</p>	<p>1 part of the searches would be really diverted to</p> <p>2 Microsoft, and Microsoft could say, oh, actually, I</p> <p>3 -- you know, I don't want, actually, my users to go</p> <p>4 to Google at all. Theoretically, they could have a</p> <p>5 version of a browser where Google.com is not</p> <p>6 reachable. And other than any kind of remedies we</p> <p>7 have under the law, which are not given, we would</p> <p>8 have no way to prevent that.</p> <p>9 And so if our revenue is dependent on how</p> <p>10 much people search, how frequently people come to</p> <p>11 our site and use us, then it's in our interest to</p> <p>12 make access to Google easy on all platforms, and</p> <p>13 that's easier to do if it's an open-source platform</p> <p>14 that nobody controls because then we're in the same</p> <p>15 position as anyone else than if it's a platform like</p> <p>16 Apple or Microsoft Windows or something else that's</p> <p>17 really controlled by someone else. We're -- we're</p> <p>18 at the mercy of that particular company whether at</p> <p>19 all we show up in any kind of menu or in any kind of</p> <p>20 default setting or anything like that.</p> <p>21 BY MS. HURST:</p> <p>22 Q And is it also true that you want that</p> <p>23 larger volume of traffic because it improves the</p> <p>24 quality of your search?</p> <p>25 A I think the primary motivation is that</p> <p style="text-align: right;">Page 301</p>

<p>1 more traffic generally means more revenue. Things  2 scale pretty linearly. The fact that more traffic  3 could help you improve search results is very second  4 order in comparison because once you have a certain  5 volume -- you know, I'd take something that's more  6 kind of logarithmic, so to speak, meaning that --  7 let's say every factor of ten gives you something,  8 right, where you can tell, okay, it's got a little  9 bit better, but it really is kind of a factor of  10 ten, and then you need another factor of ten so a  11 total of a factor of a hundred to make kind of two  12 times this improvement.</p> <p>13 So, you know, if it's a 30 percent  14 difference, I don't think it makes an appreciable  15 difference in the quality of search results.</p> <p>16 Q Okay.</p> <p>17 A But it would likely make a 30 percent  18 difference in revenue, so that's very appreciable.</p> <p>19 MS. HURST: Okay. Exhibits 5012 is a  20 printout from -- dated 11/24/2015 from  21 developers.Google.com/Android-publisher/API-ref,  22 nine pages.</p> <p>23 (Exhibit 5012 was marked for  24 identification by the court reporter.)</p> <p>25 MS. HURST: And now we're back on topic 9.</p> <p style="text-align: right;">Page 302</p>	<p>1 really -- from the API listing, I can't quite tell  2 what it's about.</p> <p>3 BY MS. HURST:</p> <p>4 Q All right. Well, this is -- this is more  5 than one API; right? You've identified -- that's on  6 the first and second page. On the second page  7 there's one called inappproducts or in-app-products?</p> <p>8 A In-app-products, I think, yes.</p> <p>9 Q All right. And then, continuing along,  10 there's purchases.subscriptions,  11 purchases.products --</p> <p>12 A Yep.</p> <p>13 Q -- and so forth. There are several more;  14 correct?</p> <p>15 A Correct.</p> <p>16 Q All right. Now, would you agree that  17 these -- this API reference includes descriptions of  18 the methods?</p> <p>19 A Yes, though this is a good example of  20 what's a network API. So this is a network API.</p> <p>21 Q The whole thing? Every single one of  22 these in here?</p> <p>23 A All these --</p> <p>24 MS. ANDERSON: Objection to form.</p> <p>25 Go ahead.</p> <p style="text-align: right;">Page 304</p>
<p>1 And if you don't mind I'm going to use the restroom  2 while the witness is quickly reviewing this so as to  3 avoid delay associated with that.</p> <p>4 Let's go off the record.</p> <p>5 THE VIDEOGRAPHER: We are off the record  6 at 7:04 P.M.</p> <p>7 (Recess.)</p> <p>8 THE VIDEOGRAPHER: We're back on the  9 record at 7:08 P.M.</p> <p>10 BY MS. HURST:</p> <p>11 Q All right. Mr. Hölzle, did you review  12 Exhibit 5 -- 5012 while we were off the record?</p> <p>13 A I did.</p> <p>14 Q And do you recognize this as part of the  15 Google Play Developer API?</p> <p>16 A Yes.</p> <p>17 Q And what part of the Google Play Developer  18 API is it?</p> <p>19 MS. ANDERSON: Objection to form.</p> <p>20 THE WITNESS: I can't tell. I'm not  21 familiar with the details. It talks about edits,  22 and it appears to be something that has to do with  23 probably changing the -- the -- how the -- updating  24 the application in the Google Play market or  25 updating the description or other things, but I</p> <p style="text-align: right;">Page 303</p>	<p>1 THE WITNESS: All of these are network  2 APIs, and you can tell because it talks about the  3 HTTP [sic] request, and you see HTTP commands, like  4 post or delete, and not code snippets. So these are  5 not, you know, method calls as in Java, and,  6 therefore, they're not Java interfaces. They're HTTP  7 [sic] commands. And so if you -- it basically tells  8 you how to form a URL to call that particular  9 function over the network.</p> <p>10 BY MS. HURST:</p> <p>11 Q All right. Now, as you pointed out  12 earlier, Google Play APIs you -- you know, the  13 source is closed for the implementations; correct?</p> <p>14 MS. ANDERSON: Objection. Form.</p> <p>15 THE WITNESS: I did, but this is  16 different. So -- so -- so Google Play Services is  17 the -- the code that actually lives on the phone and  18 that your Android app, once deployed on the phone --  19 on the phone calls.</p> <p>20 This here, Google Play Developer API, is  21 how you manipulate two Google servers state about  22 your application. So it's not happening on the  23 phone. It's happening on -- on Google servers, and  24 so these are all services. And, yes, the services  25 are all implemented by us, you know, inside our</p> <p style="text-align: right;">Page 305</p>